

### **Remarks**

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 21-41 are currently pending in this application. Claims 21-22, 26-29, 33-36, and 40-41 have been rejected under 35 USC § 102. Claims 27, 34, and 41 have been rejected under 35 USC § 112, second paragraph. Claim 35 has also been rejected under 35 USC § 112, second paragraph. Claims 23-24, 30-31, and 37-38 have been rejected under 35 USC § 103(a). Claims 25, 32, and 39 have also been rejected under 35 USC § 103(a). Independent claim 21, 28, and 35 and dependent claims 27, 40, and 41 have been amended. New independent claim 42 and dependent claims 43-48 have been added.

The claims before the Examiner are directed toward a data access engine 22, computerized system 20, and method 40 for increasing a level of efficiency of a network server. Data access engine 22 located in first data processing machine 21 is capable of communication with at least one pseudo server 28 located in a second data processing machine 27 (i.e. LAN server 26). The physical separation between data access engine 22 and the server logic and interface of pseudo server 28 is a distinguishing characteristic of the invention. Any request for a subset of data stored in data access engine 22 must be routed through at least one pseudo server 28.

### **§ 102(b) Rejections - Vermeulen**

The Examiner has rejected claims 21-22, 26-29, 33-36, and 40-41 under 35 USC § 102as being anticipated by Vermeulen US 2001/0042171 A1. The Examiner's rejection is respectfully traversed.

The objective of Vermeulen's "control program" in the "proxy server" (which the Examiner compares to the "server logic module" and "pseudo server", respectively, of the present invention) is to accept file requests from a client and return files to a client. Vermeulen describes the control program in [0026] lines 1-11: "a control program ... containing a sequence of control instructions to perform the functions described in... FIG. 2." Vermeulen specifically describes the function of these control instructions in [0026] lines 11-15 as:

"requesting he hash code from the remote server using the address of the file requested by the client, comparing the cache contents with the hash code of the requested file, and storing the previously loaded files in the cache memory."

In addition, the description of FIG. 2 in [0024] lines xxx-xxx states: "Client 11 therefore sends a file request 21 ... to the proxy server 12. ... the proxy server transfers it, 28, to the client 11" which is shown in FIG. 2 as "file request" 21 and "file transfer" 28.

By contrast, the prior art server (0) of Vermeulen (Vermeulen's 14) is partitioned in the current invention into a data access engine, responsible for data storage and retrieval, and a pseudo server that handles the other functions of the prior art server (0) and file serving of the prior art proxy server (Vermeulen's 12). The present invention includes a server logic module and user interface which have been physically separated from a data access engine, as recited on page 6 lines 25-26 "The physical separation between data access engine 22 and the server logic and interface of pseudo server 28 is a distinguishing characteristic of the invention." The functions of the pseudo server are not limited to file requests and file transfers. The pseudo server includes a user interface, as described on page 7 lines 6-7 "... a user interface, ... of pseudo server 28 ..." which "...allows rapid response..." from the server logic, which is a "...significant improvement with respect to prior art alternatives where all

interact was with a remote server logic interface 3 located on a conventional server 0...” The server logic is not limited to file requests and file transfers, but can include any functionality from a conventional server, as stated above, and on page 7 lines 11-12 “Only requests for data are routed to data access engine 22 ...” The data access engine, as described at least on page 2 lines 27-29 “...refers to a module which contains only the part of the code which handles data access requests and the corresponding data, and does not contain the server logic and user interface.” and page 2 lines 8-9 “... interacts with the data as opposed to users.”

Applicant has, in order to expedite the prosecution, chosen to amend independent claims 21, 28, and 35 in order to clarify and emphasize the crucial distinctions between the device of the present invention and the device of Vermeulen cited by the Examiner. Specifically, claim 21 has been amended to clarify that the functionality of the data access engine is confined to data storage and retrieval. Claim 21 currently recites that the pseudo server includes a server-logic module and a user interface (UI) for fulfilling data requests originating from a client. Claims 28 and 35 have been amended similarly. Support for these amendments can be found in the above cited portions of the specification.

Applicant believes that the above differentiation between the cited prior art and the current invention completely overcomes the Examiner's rejections on § 102(b) grounds.

### **New Claims**

To further distinguish the present invention from the prior art cited by the Examiner, new independent claims have been added. These new claims highlight a distinguishing feature of the present invention wherein the user interface of the

present invention on the pseudo server allows complex communications with users, support for which can be found at least on page 9 lines 21-23 "...user clients ... may use communication protocols such as CIFS, FTP/S and RPC..." while communication between a pseudo server and the data access engine is limited, as found at least on page 7 lines 11-12 "Only requests for data are routed to data access engine 22 ...". This feature of the user interface increases security of stored data while increasing system performance and user accessibility, support for which can be found at least on page 6 lines 5-9. New independent claim 42 and dependant claims 43-48 have been added to emphasize this feature.

#### **§ 112, Second Paragraph Rejections**

The Examiner has rejected claims 27, 34, and 41 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner has pointed out that it is unclear what exactly a logic request and a UI request consists of in order to differentiate between the two different requests. Claim 27 has been amended to clarify that logic requests and user interface requests are requests that originate from the client-side data-processing machine.

Claims 34 and 41 have been amended similarly.

The Examiner has also rejected claim 35 under 35 USC § 112, second paragraph, specifically pointing out that a data request is required to be routed through a pseudo server in **step (b)**, but then the request is denied if it is not routed through a pseudo server in **step (d)**.

The data requests in **step (b)** are from the client-side data-processing machine for data stored in the data-access engine, and must be routed through one of the

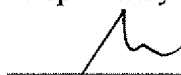
pseudo servers. In contrast the data requests of **step (d)** are not from the client-side data-processing machine. Claim 35 has been amended as the Examiner suggested to change the data request requirement in **step (b)**.

**§ 103(a) Rejections**

The Examiner has rejected claims 23-24, 30-31, 37-38, 25, 32, and 39 under 35 USC § 103(a). In view of the discussion above in the context of the § 102(b) rejections, Applicant submits that the base claims from which claims 23-24, 30-31, 37-38, 25, 32, and 39 depend are allowable, making the claims allowable in their present form.

In view of the above amendments and remarks it is respectfully submitted that independent claims 21, 28 and 35, and hence dependent claims 22-27, 29-34, and 36-41 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



---

Mark M. Friedman  
Attorney for Applicant  
Registration No. 33,883

Date: January 24, 2010